IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.23 OF 2007
IN
CRIMINAL APPEAL NO.53 OF 2002

Chandrakant Ganpat Nikam ...Appellant

Versus

The State of Maharashtra ...Respondent.

And

Smt.Vaishali @ Deepti Deepak Shinde ...**Applicant.**

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Mr.S.K.Chaursia, h/f. A.M.Saraogi, Advocate for the Applicant.
S.R.Shinde, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 22nd February, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking direction to the investigating agency to return the articles seized in Sessions Case No.279 of 1998 being Article Nos.1 to 4 in the said case.

3. The applicant- Smt.Vaishali @ Deepti Deepak Shinde is the daughter of the deceased Prathibha in Sessions Case No.279/1998. In the said case

Chandrakant Ganpat Nikam came to be convicted and in the judgment and order the learned Sessions Judge directed that cash of Rs.41.75/- and the property at Sr.No.1 to 4 be returned to the daughter of the deceased i.e. to Ku.Vaishali Chandrakant Nikam, after the appeal period is over. The appeal preferred by the accused is pending before this Court. None appears for the Accused.

4. It is also pertinent to note that during the course of trial the accused had not claimed the property. Moreover, the property is not the subject matter of any offence in the said case. In this view of the matter, during pendency of the Appeal, the property be returned to the applicant-Smt.Vaishali @ Deepti Deepak Shinde on bond of Rs.25,000/-. She shall furnish an undertaking to this Court within two weeks from today that she will produce the property before the Court if and when required.

5. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)